

Maine Revised Statutes
Title 33: PROPERTY
Chapter 6-A: WORKING WATERFRONT
COVENANTS HEADING: PL 2005, c. 574, §1 (new)

§132. CREATION; CONVEYANCE; ACCEPTANCE; DURATION; FILING

1. Working waterfront covenant. Except as otherwise provided in this chapter, a working waterfront covenant may be created, conveyed, recorded, assigned, released, modified, terminated or otherwise altered or affected in the same manner as other real estate covenants created by written instrument.

[2005, c. 574, §1 (NEW) .]

2. Right or duty. A right or duty in favor of or against a qualified holder may not arise under a working waterfront covenant unless it is accepted in writing by the qualified holder.

[2005, c. 574, §1 (NEW) .]

3. Limitation. Except as provided in this chapter, a working waterfront covenant is unlimited in duration unless a change of circumstances renders the working waterfront covenant no longer in the public interest as determined in an action under section 133, subsection 2.

[2005, c. 574, §1 (NEW) .]

4. Filing. A working waterfront covenant must be recorded in the County Registry of Deeds, and a copy of the covenant must be filed with the Department of Agriculture, Conservation and Forestry together with a map showing with specificity the location of the affected real estate on the form or forms that the department requires.

[2011, c. 655, Pt. II, §6 (AMD); 2011, c. 655, Pt. II, §11 (AFF);
2011, c. 657, Pt. W, §5 (REV) .]

5. Other interest. An interest in real property in existence at the time a working waterfront covenant is created is not affected by the covenant unless the owner of the interest is a party to the covenant or consents to the covenant.

[2005, c. 574, §1 (NEW) .]

6. Right to enter land. The instrument creating a working waterfront covenant must provide for the right by the qualified holder to enter the real property to ensure compliance.

[2005, c. 574, §1 (NEW) .]

SECTION HISTORY

2005, c. 574, §1 (NEW). 2011, c. 655, Pt. II, §6 (AMD). 2011, c. 655, Pt. II, §11 (AFF). 2011, c. 657, Pt. W, §5 (REV).

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